UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

STERICYCLE, INC.,	)		
	)		
Respondent,	)		
	)		
And	)	Case Nos.	04-CA-137660
	)		04-CA-145466
	)		04-CA-158277
TEAMSTERS LOCAL 628	)		04-CA-160621
	)		
Charging Party	)		

RESPONDENT'S SUPPLEMENTAL BRIEF ON REMAND

NOW COMES Stericycle, Inc., Respondent herein, and files its Supplemental Brief on Remand, as follows:

INTRODUCTION

This case is before Administrative Law Judge Michael A. Rosas on remand from the National Labor Relations Board. At issue is the impact of the Board's intervening decision in *The Boeing Co.*, 365 NLRB No. 154 (2017) on certain employment policies, which have been alleged to violate § 8(a)(1) of the Act. Specifically, the Board, on May 8, 2020, "ORDERED that the allegations that the work rules - including those relating to the use of personal electronic devices, personal conduct, conflicts of interest, confidentiality of harassment complaints, electronic communications, and camera and video use - have been unlawfully maintained are severed and remanded to Administrative Law Judge Michael A. Rosas for the purpose of reopening the record, if necessary, preparing a supplemental decision addressing those allegations, setting forth credibility resolutions (if necessary), findings of fact, conclusions of law, and a recommended

Order. Subsequently, the Regional Director withdrew the allegations in the Consolidated Complaint regarding the use of personal electronic devices (two separate policies), electronic communications, and camera and video use. The Union's appeal of these dismissals was denied. Accordingly, the lawfulness of three policies remains in issue: (1) personal conduct, (2) conflicts of interest, and (3) confidentiality of harassment complaints.

As discussed herein, the Board's post-*Boeing* decisions in *Motor City Pawn Brokers, Inc.*, 369 NLRB No. 132 (July 24, 2020) (disparagement of employer's reputation); *G& E Real Estate Management Services, Inc. d/b/a Newmark Grubb Knight Frank*, 369 NLRB No. 121 (July 16, 2020) (conflicts of interest), and *Apogee Retail LLC d/b/a Unique Thrift Store*, 368 NLRB No. 144 (2019) (confidentiality of investigations) are dispositive and all three policies are lawful under *Boeing*. Accordingly, Respondent requests that the corresponding complaint allegations be dismissed.

STATEMENT OF FACTS

A. Background

The Union was certified as the representative of Respondent's Morgantown, Pennsylvania employees in September 2011. The Morgantown plant is a medical waste treatment facility. Regulated medical waste is delivered to the facility, where it is processed, chemically treated, and shredded in a Chemical Clave treatment system that is unique and proprietary to Respondent. The resulting product is placed in containers and disposed of in landfills. (Tr. 34-36, 232, 241). There are approximately 55 employees in the unit. (Tr. 36). The Morgantown collective bargaining agreement was effective from date of ratification (on or about September 6, 2013) through February 29, 2016. (GC Exh. 3; Tr. 37). At the time of the initial hearing, the parties had recently reached a new agreement for Morgantown. (Tr. 36-37). The three remaining challenged policies

are set forth in an employee handbook that was distributed to the Morgantown employees in February 2016. (GC Exh. 22).

B. Alleged Unlawful Handbook Policies

The Administrative Law Judge originally found the following policies (italicized provisions) to be overly broad and unlawful under the Board's pre-*Boeing* case law:

1. Personal Conduct Policy

The Morgantown handbook contained the following section regarding "Personal Conduct":

> *In order to protect everyone's rights and safety, it is the Company's policy to implement certain rules and regulations regarding your behavior as a team member. Conduct that maliciously harms or intends to harm the business reputation of Stericycle will not be tolerated. You are expected to conduct yourself and behave in a manner conducive to efficient operations. Failure to conduct yourself in an appropriate manner can lead to corrective action up to and including termination.*
>
> ***The following are some examples of infractions, which could be grounds for corrective action up to and including termination, however this list is not all-inclusive.***
>
> -- Possession, consumption, distribution or sale of alcohol, drugs or illegal substances while on premises, or reporting to work under the influence of the above mentioned items.
> -- Carrying or possessing firearms or weapons of any kind on the Company's property or while engaged in Company assignments
> -- Theft
> -- Pilfering of waste
> -- Use of profanity or inappropriate language while on Stericycle premises whether on duty or not.
> -- Gambling on Stericycle premises
> -- Acts of violence
> -- *Engaging in behavior which is harmful to Stericycle's reputation*
> -- Falsifying any Stericycle record or report, including but not limited to an application for employment, a time record, a customer record, manifest, invoices, receiving records, etc.
> -- Willfully defacing, damaging, or unauthorized use of Company property or another team member's property
> -- Sleeping on the job
> -- Continued or excessive absenteeism or tardiness

-- Violation of safety and/or operating rules
-- Smoking or "Vaping" in "No Smoking" areas
-- Refusing to follow the directions of a supervisor or otherwise being insubordinate
-- Violation of the Sexual Harassment policy
-- Failure to punch/swipe in and out when appropriate or punching in/out for other team members

(GC Exh. 22, p. 30).

2. Conflicts of Interest

The Morgantown handbook contained the following Conflict of Interest policy:

Stericycle will not retain a team member who directly or indirectly engages in the following:

-- *An activity that constitutes a conflict of interest or adversely reflects upon the integrity of the Company or its management.*

-- An activity in which a team member obtains financial gain due to his/her association with the Company.

-- An activity, which by its nature, detracts from the ability of the team member to fulfill his/her obligation to the Company.

(GC Exh. 22, p. 33).

3. Confidentiality of Harassment Complaints

The employee handbook contained a detailed policy prohibiting harassment of all types, including, but not limited to, sexual harassment. (GC Exh. 22, pp. 8-9). In a separate section, entitled "Retaliation," the handbook provided:

Stericycle strictly prohibits unlawful retaliation against any team member or applicant for employment who reports discrimination or harassment, or who participates in good faith in any investigation of unlawful discrimination or harassment.

What action should you take if you feel you have been a victim of harassment or retaliation?

If you believe you have been the victim of harassment or retaliation of any kind, immediately do the following:

1. If you feel comfortable doing so, we encourage you to tell the person in no uncertain terms to stop; and

2. Report the incident and the name of the individual(s) involved to your Human Resources Representative. If you cannot report the issue to your Human Resources Representative for any reason, contact the Team Member Help Line at [Phone Number]. The Help Line accepts anonymous complaints of any kind.

All complaints will be promptly investigated. *All parties involved in the investigation will keep complaints and the terms of their resolution confidential to the fullest extent practicable.*

(GC Exh. 22, p. 10).

ARGUMENT

A. Prior Board Precedents

At the time that this case was originally heard by the ALJ, the basic inquiry was "whether the [challenged] rules would reasonably tend to chill employees in the exercise of their Section 7 rights." *Lafayette Park Hotel*, 326 NLRB 824, 825 (1998), *enf'd*, 203 F.3d 52 (D.C. Cir. 1999). "In determining whether a challenged rule is unlawful, the Board must, however, give the rule a reasonable reading. It must refrain from reading particular phrases in isolation, and it must not presume improper interference with employee rights." *Lutheran Heritage Village – Livonia*, 343 NLRB 646, 646 (2004). Unless the rule or policy explicitly restricts section 7 activity, it would be deemed unlawful only if "(1) employees would reasonably construe the language to prohibit Section 7 activity; (2) the rule was promulgated in response to union activity; (3) or the rule has been applied to restrict the exercise of Section 7 rights." *Id.* at 647. The Board "will not conclude that a reasonable employee would read the rule to apply to [protected] activity simply because the rule *could* be interpreted that way," as this "would require the Board to find a violation whenever the rule could conceivably be read to cover Section 7 activity, even though that reading is unreasonable." *Id.* (emphasis included). Although the Board purported to "strike a proper balance

between the employees' rights and the Respondent's business justification," *Caesar's Palace,* 336 NLRB 271, 272 (2001), in practice, employment policies were almost always found to be unlawful if they could reasonably be read as restricting section 7 rights, regardless of the strength of the employer's asserted business justification.

B. The Board's *Boeing* Decision.

In *Boeing,* the Board overruled *Lutheran Heritage* and modified its analytical framework with respect to rules that were not adopted in response to, or directly applied to, protected activity, but that could be "reasonably construed" to restrict § 7 activities:

> Under the standard we adopt today, when evaluating a facially neutral policy, rule or handbook provision that, when reasonably interpreted, would potentially interfere with the exercise of NLRA rights, the Board will evaluate two things: (i) the nature and extent of the potential impact on NLRA rights, *and* (ii) legitimate justifications associated with the rule. We emphasize that *the Board* will conduct this evaluation, consistent with the Board's "duty to strike the *proper balance* between . . . asserted business justifications and the invasion of employee rights in light of the Act and its policy," focusing on the perspective of employees, which is consistent with Section 8(a)(1).

In an effort to provide greater certainty and perhaps minimize future litigation, the Board established three categories into which it would place specific types of employment rules and policies. *Category 1* consists of rules that are "lawful to maintain, either because (i) the rule, when reasonably interpreted, does not prohibit or interfere with the exercise of NLRA rights; or (ii) the potential adverse impact on protected rights is outweighed by justifications associated with the rule." *Category 2* includes "rules that warrant individualized scrutiny in each case as to whether the rule would prohibit or interfere with NLRA rights, and if so, whether any adverse impact on NLRA-protected conduct is outweighed by legitimate justifications." *Category 3* includes "rules that the Board will designate as *unlawful* to maintain because they would prohibit or limit NLRA-

protected conduct, and the adverse impact on NLRA rights is not outweighed by justifications associated with the rule."

In *LA Specialty Produce Co.*, 368 NLRB No. 93 (2019), the Board provided further guidance regarding the decision-making process:

> First, it is the General Counsel's initial burden in all cases to prove that a facially neutral rule *would* in context be interpreted by a reasonable employee, as defined above, to potentially interfere with the exercise of Section 7 rights. If that burden is not met, then there is no need for the Board to take the next step in *Boeing* of addressing any general or specific legitimate interests justifying the rule. The rule is lawful and fits within *Boeing* Category 1(a). There will be no need for further case-by-case litigation of the legality of a rule so classified. . . .
>
> Second, if the General Counsel meets the initial burden of proving that a reasonable employee would interpret a rule to potentially interfere with the exercise of Section 7 rights, the *Boeing* analysis will require a balancing of that potential interference against the legitimate justifications associated with the rule. In many instances, we anticipate that it will be possible to strike a general balance of competing employee rights and employer interests for certain types of rules, thus eliminating the need for further case-by-case balancing. When the balance favors the general employer interests over the potential interference with the exercise of Section 7 rights, the rule at issue will be lawful and will fit within *Boeing* Category 1(b). When the potential for interference with the exercise of Section 7 rights outweighs any possible employer justification, the rule at issue will be unlawful and will fit within *Boeing* Category 3….
>
> Third, in some instances, it will not be possible to draw any broad conclusions about the legality of a particular rule because the context of the rule and the competing rights and interests involved are specific to that rule and that employer. These rules will fit in *Boeing* Category 2.

The Board further emphasized "that the outcome of this inquiry 'should be determined by reference to the perspective of an objectively reasonable employee who is 'aware of his legal rights but who also interprets work rules as they apply to the everydayness of his job. The reasonable employee does not view every employer policy through the prism of the NLRA.'"

C. Respondent's Personal Conduct Policy Is Lawful Under The Board's *Motor City* Decision.

The Morgantown handbook contains the following policy:

> *In order to protect everyone's rights and safety, it is the Company's policy to implement certain rules and regulations regarding your behavior as a team member. Conduct that maliciously harms or intends to harm the business reputation of Stericycle will not be tolerated. You are expected to conduct yourself and behave in a manner conducive to efficient operations. Failure to conduct yourself in an appropriate manner can lead to corrective action up to and including termination.*
>
> ***The following are some examples of infractions, which could be grounds for corrective action up to and including termination, however this list is not all-inclusive.***
>
> . . . .
>
> *Engaging in behavior which is harmful to Stericycle's reputation*
>
> . . . .

In *Motor City Pawn Brokers, Inc.*, 369 NLRB No. 132 (July 24, 2020), the Board recently addressed the proper categorization of non-disparagement policies under *Boeing.* There, the employer's standards of conduct included a rule that prohibited "*Off-duty conduct which can affect the Company's credibility or reputation."* The employer also maintained a broader non-disparagement policy, which prohibited employees:

> from communicating orally, or in writing, or by any other manner whatsoever to any customer or third party, any disparaging claim, remark, allegation, statement, opinion, comment, innuendo or information of any kind or nature whatsoever, *the effect of or intention of which is to cause embarrassment, disparagement, damage or injury to the reputation, business, or standing in the community of Customers, Employer and/or Related Entities,* and their customers, members, managers, officers, owners, employees, independent contractors, agents, attorneys, or representatives, regardless of whether any such communication is or may be true or founded in facts.

(Emphasis added).

The Board acknowledged that these policies/rules "would be reasonably interpreted to prohibit or interfere with the exercise of NLRA rights," but concluded that this adverse impact on employee rights was outweighed by the substantial justifications for such policies:

> An employer has a legitimate interest in conveying to employees its expectation that they will perform their jobs in a manner that will do the employer proud, without sabotaging or otherwise impairing its operations. After all, the success--if not the continued existence--of an employer is often dependent on maintaining its reputation with current or prospective customers and preventing the harm to its commercial image from having its products or services publicly disparaged or misrepresented. At the same time, the employer has an interest in ensuring that employees are invested in building a collaborative work environment in which the employer, for whom they work and on whom they depend for their livelihood, can be most successful in advancing its business relationships.

Thus, the Board concluded that policies of this nature fall into *Boeing* category 1(b) and are lawful without further inquiry. Here, the prohibition on conduct that is "harmful to Stericycle's reputation" is indistinguishable from the prohibition in *Motor City* on conduct "which can affect the Company's credibility or reputation." Further, as set forth in the introductory paragraph, the policy is aimed at "[c]onduct that maliciously harms or intends to harm the business reputation of Stericycle" and employees "are expected to conduct [themselves] and behave in a manner conducive to efficient operations." These are patently legitimate expectations of any employee. *Motor City* is dispositive and requires dismissal of this allegation.

D. Respondent's Conflict of Interest Policy Is Lawful Under The Board's *Newmark Grubb* Decision.

The Morgantown handbook contains the following language in a Conflict of Interest policy:

> *Stericycle will not retain a team member who directly or indirectly engages in the following:*
>
> -- *An activity that constitutes a conflict of interest or adversely reflects upon the integrity of the Company or its management.*

> -- An activity in which a team member obtains financial gain due to his/her association with the Company.
>
> -- An activity, which by its nature, detracts from the ability of the team member to fulfill his/her obligation to the Company.

(GC Exh. 22, p. 33).

The General Counsel challenges the first prohibition, which covers two types of activities: (1) those that constitute a "conflict of interest" and (2) those that "adversely reflect[] upon the integrity of the Company or its management." The prohibition on the second type of activity is clearly lawful under the Board's *Motor City* decision, discussed above. With respect to the prohibition on the first type of activity, the Board's recent decision in *G& E Real Estate Management Services, Inc. d/b/a Newmark Grubb Knight Frank*, 369 NLRB No. 121 (July 16, 2020) is controlling. In that case, the Board considered the following Outside Employment and Business Activities policy:

> In order to ensure regulatory compliance and avoid potential conflicts of interest, employees are prohibited--without prior written notice to and formal written approval from the General Counsel or Head of Compliance--from participating in outside work activities that might present a conflict of interest (including employment relationships, consulting relationships and service on boards of directors of corporations, educational institutions and charitable/not-for-profit institutions) and from making non-passive investments.

The Board concluded that this policy was lawful:

> The policy self-evidently aims to prevent business conflicts of interest from outside *work activities*--including employment, consulting, or board memberships--not mere membership in outside organizations or run-of-the-mill volunteering. Accordingly, employees would not reasonably read the rule to extend to union organizing, which is a much different activity than those described by the policy. Moreover, although the rule could conceivably be interpreted to reach holding a leadership position with a union or working for a union for pay, we find that when reasonably interpreted, the rule has no potential to interfere with such activities. Holding such positions does not implicate the rule's stated purpose of

> ensuring regulatory compliance and avoiding conflicts of interest. Policies limiting outside business relationships are common and have no reasonable potential to interfere with Section 7 rights. We find this policy is lawful and fits within *Boeing* Category 1(a).

Here, Respondent has promulgated a "Conflict of Interest" policy, which employees reasonably would understand to deal with their outside financial and business activities. As in *Newmark,* it cannot reasonably be read to include union or other protected activities. *Newmark* is dispositive and requires dismissal of this allegation.[1]

E. The Policy Regarding Confidentiality Of Harassment Complaints Is Lawful Under The Board's *Apogee* Decision.

The Morgantown handbook contains the following confidentiality language in a provision regarding "Retaliation":

> All complaints will be promptly investigated. *All parties involved in the investigation will keep complaints and the terms of their resolution confidential to the fullest extent practicable.*

(GC Exh. 22, p. 10).

In *Apogee Retail LLC d/b/a Unique Thrift Store,* 368 NLRB No. 144 (2019), the Board overruled its prior decision in *Banner Estrella Medical Center,* 362 NLRB 1108 (2015), which had examined investigatory confidentiality rules on a case-by-case basis. In its place, the Board drew a distinction between rules that require confidentiality only for the duration of the investigation and rules that do not explicitly limit their applicability to the investigation in question. The former fall into *Boeing* category 1 and are deemed lawful without further scrutiny.

[1] The language in Respondent's policy is also not materially different from the rules found lawful under pre-*Boeing* precedent in *Lafayette Park, supra.* There, Rule 6 prohibited "engaging in conduct that does not support the Lafayette Park Hotel's goals and objectives." Rule 31 prohibited improper conduct "which affects the employee's relationship with the job, fellow employees, supervisors, or the hotel's reputation or good will in the community." The Board found both rules lawful. 326 NLRB at 824-825.

The latter fall into *Boeing* category 2 and require individualized scrutiny. Although *Apogee* did not involve harassment investigations, the Board placed special emphasis on harmonizing its approach with that of the EEOC:

> The *Banner Estrella* test, which prohibits an employer from adopting investigative confidentiality rules, is inconsistent with the recommendations of the Equal Employment Opportunity Commission. The EEOC endorses blanket rules requiring confidentiality during employer investigations and advocates that employers should adopt such rules. As the EEOC noted in its "*Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors*," "[a]n employer should make clear to employees that it will protect the confidentiality of harassment allegations to the extent possible." Such confidentiality rules are especially necessary during employer investigation of sexual harassment complaints, where victims of such discrimination are more likely to report abusive behavior if they are assured that their allegations will be investigated in a confidential manner. But assurances of confidentiality cannot be responsibly given unless employers can require confidentiality, and under *Banner Estrella* employers cannot lawfully adopt rules prospectively requiring investigative confidentiality.

It is true here that the policy is silent as to the duration of the confidentiality pledge. Thus, under *Apogee,* it falls into *Boeing* category 2, which requires individualized scrutiny. Nevertheless, it is clear from the discussion by the Board cited above that in the context of harassment investigations, a blanket confidentiality policy is lawful, even if it does not specifically limit the duration of the confidentiality pledge. Initially, Respondent's policy is essentially identical to the EEOC's guidance, which was cited by the Board with approval in *Apogee*. Thus, the EEOC endorses "blanket rules" and states that "[a]n employer should make clear to employees that it will protect the confidentiality of harassment allegations to the extent possible." Respondent's policy states that the investigation will be kept confidential "to the fullest extent practicable." There is no meaningful difference between these standards. Given that the Board in *Apogee* sought to alleviate the conflict between the Board's standards and this EEOC guidance, it would be odd indeed for

the Board to nevertheless find unlawful a policy that substantially mirrors the EEOC guidance.

While the section entitled "Retaliation" is separate from the section entitled "Harassment," the two are interrelated and the "Retaliation" provision is expressly directed at employees "who have been the victim of harassment or retaliation of any kind." There is nothing in the provision that would cause an employee to interpret the confidentiality language as extending to any type of complaint other than one of harassment or retaliation. That the policy is not limited to "sexual" harassment complaints does not alter the analysis, as federal and state law prohibit multiple types of discrimination and retaliation, including discrimination and retaliation based on race, national origin, disability, military service, etc. The policy clearly does not cover complaints regarding wages, benefits, safety, or general working conditions.

Even apart from its *Apogee* decision, the Board has recognized that "employers have a legitimate right to adopt prophylactic rules banning [harassment] because employers are subject to civil liability under federal and state law should they fail to maintain 'a workplace free of racial, sexual, and other harassment.'" *Lutheran, supra,* 343 NLRB at 647 (quoting *Adtranz ABB Daimler-Benz Transportation, N.A., Inc.,* 253 F.3d 19, 27 (D.C. Cir. 2001)). "Title VII [of the Civil Rights Act of 1964] is designed to encourage the creation of antiharassment policies and effective grievance mechanisms." *Burlington Industries, Inc. v. Ellerth,* 524 U.S. 742, 764 (1998). Where there is no tangible adverse employment action, an employer may assert an affirmative defense if it "exercised reasonable care to prevent and correct promptly any sexually harassing behavior" and the "employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise." *Id.* at 765. Evidence that the "employer had promulgated an antiharassment policy with complaint procedure" is pertinent to establishing this affirmative defense. *Id.; Debord v. Mercy Health System of Kansas, Inc.,* 737

F.3d 642, 653-654 (10th Cir. 2013); *Barrett v. Applied Radiant Energy Corp.*, 240 F.3d 262, 266 (4th Cir. 2001).

As evident from the EEOC guidance cited above, one of the elements of an effective harassment policy is the inclusion of a blanket confidentiality provision. "By providing clear direction as to how to report sexual harassment and by including a confidentiality and anti-retaliation provision, [the employer's] policy was reasonably calculated to prevent and promptly correct any sexually harassing behavior." *Id.; see Brink v. McDonald*, 116 F. Supp. 3d 696, 700 (E.D. Va. 2015). "Equal Employment Opportunity Commission guidelines suggest that information about sexual harassment allegations, as well as records related to investigations of those allegations, should be kept confidential," and "the obligation to comply with such guidelines may often constitute a legitimate business justification for requiring confidentiality in the context of a particular investigation or particular types of investigations." *Hyundai America Shipping Agency, Inc. v. NLRB*, 805 F.3d 309, 314 (D.C. Cir. 2015). Some federal courts have even required, as part of injunctive relief, that employers include confidentiality provisions in their harassment policies. *EEOC v. New Breed Logistics, Inc.,* 2013 WL 12043550 (W.D. TN 2013); *Arizona Department of Law v. ASARCO, LLC,* 798 F.Supp. 2d 1023, 1059 (D. Arizona 2011), *aff'd,* 773 F.3d 1050 (9th Cir. 2014).

The clear intent of Respondent's policy is to protect employees from all forms of harassment and to provide an effective mechanism by which employees who believe they have been subjected to harassment will feel comfortable to report such conduct so that an investigation can be conducted, appropriate remedial action taken, and appropriate protective measures established. Any employee reading the policy would readily understand this lawful purpose, which is further reinforced by the fact that the challenged language appears under the highlighted (bold

font) heading: **What action should you take if you feel you have been a victim of harassment or retaliation?** Many employees may be reluctant to report incidents of harassment if their complaints are subject to being revealed throughout the workforce. They may fear embarrassment or possible retaliation by the alleged perpetrator. Thus, the policy even provides for anonymous complaints.

The policy does not broadly prohibit employees from discussing issues of harassment or retaliation. Thus, it is limited to internal complaints in which the victim has requested an investigation by Respondent. The policy extends only to the "parties" to the investigation; i.e., the victim, the alleged perpetrator, witnesses who may be interviewed, and the managers and supervisors involved in the investigation. The policy imposes no discipline if confidentiality is not maintained and pledges confidentiality only "to the fullest extent practicable." Finally, while there may be circumstances in which an employee's discussion of a harassment complaint or investigation could be deemed to be protected by Section 7, there are numerous other circumstances in which such discussion would be neither concerted nor protected. All-in-all, the potential impact of the policy on §7 rights is slight.

Respondent clearly has a substantial and compelling business justification for including a confidentiality provision in its harassment policy. Further, the confidentiality provision adopted by Respondent is narrowly tailored and Respondent's business justification outweighs the limited impact, if any, that this provision arguably might have on the exercise of Section 7 rights. Respondent requests that the Board dismiss this allegation.

CONCLUSION

For the reasons discussed herein, Respondent requests that all remaining complaint allegations be dismissed.

Respectfully submitted this 5th day of August 2020.

/s/ Charles P. Roberts III

Constangy, Brooks, Smith & Prophete LLP
100 N. Cherry Street, Suite 300
Winston-Salem, NC 27101
Tel: (336) 721-6852
Fax: (336) 748-9112
croberts@constangy.com

CERTIFICATE OF SERVICE

I hereby certify that on this day, I served the forgoing BRIEF by electronic mail on the following parties:

Lea Alvo-Sadiky
Field Attorney
NLRB – Region 04
615 Chestnut Street
Suite 710
Philadelphia, PA 19106-4413
Lea.Alvo-Sadiky@nlrb.gov

Claiborne S. Newlin
Markowitz & Richman
123 South Broad Street
Suite 2020
Philadelphia, PA 19109
Tel.: 215.875.3111
Fax: 215.790.0668
cnewlin@markowitzandrichman.com

This the 5th day of August 2020.

s/ Charles P. Roberts III